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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
HAQ, NAEEM U

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/377,322
Filing Date: August 19, 1999
Appellant(s): BEZOS ET AL.

Ronald J. Schoenbaum
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 29, 2004 and September 10, 2004.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief filed on March 29, 2004.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief filed on March 29, 2004.

(3)   Status of Claims

The statement of the status of the claims contained in the brief filed on March 29, 2004 is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief filed on March 29, 2004 is correct.

(5)   Summary of Invention

The summary of invention contained in the brief filed on March 29, 2004 is correct.

(6)   *Issues*

The Appellant's statement of the issues in the brief filed on September 10, 2004 is correct.

(7)   *Grouping of Claims*

The rejection of claims 45 and 49 (GROUP 1) stand or fall together because appellant's brief filed on September 10, 2004 does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 53 and 54 (GROUP 2) stand or fall together because appellant's brief filed on September 10, 2004 does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 46, 47, and 55 (GROUP 4) stand or fall together because appellant's brief filed on September 10, 2004 does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 48 and 63 (GROUP 5) stand or fall together because appellant's brief filed on September 10, 2004 does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief filed on

March 29, 2004 is correct.

(9) Prior Art of Record

6,321,221 B1   BIEGANSKI   11-2001

6,041,311   CHISLENKO et al.   3-2000

No Author, "Just Add People -- Collaborative filtering brings human input to information

retrieval in the enterprise." Information Week, December 22, 1997, page 65; Retrieved

from Dialog File: 9, Acc#: 02024097.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims: The

ground(s) for rejection are reproduced below from the Non-Final Office Action mailed

July 16, 2004 and provided here for the convenience of both the Appellant and the

Board of Patent Appeals:

Quote "

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior

Office action.

Claims 45, 48, 50, 53, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US Patent 6,321,221 B1) in view of Information Week "Just Add People" hereinafter referred to as InfoWeek.

Referring to claim 45, Bieganski teaches a computer implemented method of assisting users in selecting items to purchase from an electronic catalog of items, (column 5, lines 44-54; column 6, lines 38-47, lines 66-67; column 7, lines 1-10, column 16, lines 38-49, lines 62-67; column 17, lines 1-12), the method comprising:

- maintaining purchase history data for each of a plurality of users of the electronic catalog (column 6, line 66 – column 7, line 10);

- maintaining community (neighborhood) data indicative of user memberships within a specific community (neighborhood), wherein the community (neighborhood) represents a respective subset of a general user population (Figure 4; column 1, lines 46-62; column 6, line 38-47, lines 66-67; column 7, lines 1-50);

- monitoring online browsing of the electronic catalog by a first user to detect that an item accessed by the first user has been purchased by a second user who is also a member of the community (neighborhood) as reflected by the purchase history data and the community (neighborhood) data (column 16, lines 62-67 – column 17, lines 1-25).

Bieganski does not teach that the community is an explicit-membership community that users explicitly join, or that in response to detecting that the item has been purchased by the second user, supplementing a catalog page requested by the first user to include a notification that the item has been purchased by a second user, said catalog page being a page on which the item is displayed. However, InfoWeek teaches a method of collaborative filtering wherein the community is an explicit community (page 2, paragraph 4). InfoWeek teaches that GroupLens version 2.5 allows users to explicitly identify a community they want to be associated with by submitting a specific group of people. Furthermore, InfoWeek teaches that GroupLens "...generates a personalized home page for each user showing resources likely to interest them. The page also shows a list of 'neighbors' with similar interests and lets users see what their peers are viewing and how they rated the content." (page 2, paragraph 5).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of InfoWeek into the method Bieganski. One of ordinary skill in the art would have been motivated to do so in order to allow a user to control what group the recommendation engine used to generate the personalized recommendation, as taught by InfoWeek. Furthermore, one of ordinary skill in the art would have been motivated to incorporate the personalized home page of InfoWeek into the method of Bieganski in order to provide a user with a graphically enriched web page.

Referring to claim 50, Bieganski does not teach that the community is a private community. However, as noted above, InfoWeek teaches that GroupLens version 2.5 allows users to explicitly identify a community they want to be associated with by submitting a specific group of people (page 2, paragraph 4). Hence, InfoWeek teaches this limitation since the user explicitly creates his or her own community. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of InfoWeek into the method Bieganski. One of ordinary skill in the art would have been motivated to do so in order to allow a user to control what group the recommendation engine used to generate the personalized recommendation, as taught by InfoWeek.

Referring to claim 53, Bieganski teaches a computer implemented method of assisting users in selecting items to purchase from an electronic catalog of items, (column 5, lines 44-54; column 6, lines 38-47, lines 66-67; column 7, lines 1-10, column 16, lines 38-49, lines 62-67; column 17, lines 1-12), the method comprising:

- maintaining purchase history data for each of a plurality of users of the electronic catalog (column 6, line 66 – column 7, line 10);

- maintaining community (neighborhood) data indicative of user memberships within a specific community (neighborhood), wherein the community (neighborhood) represents a respective subset of a general user population (Figure 4; column 1, lines 46-62; column 6, line 38-47, lines 66-67; column 7, lines 1-50);

- monitoring online browsing of the electronic catalog by a first user to detect that an item accessed by the first user has been purchased by a second user who is also a member

of the community (neighborhood) as reflected by the purchase history data and the
community (neighborhood) data (column 16, lines 62-67 – column 17, lines 1-25).

- wherein the method is performed by a server system that provides functionality for
  browsing and making purchases from the electronic catalog (column 16, line 62 – column
  17, line 25).

Bieganski does not teach that the community is a private community (i.e. personal address book), or that
in response to detecting that the item has been purchased by the second user, supplementing a catalog
page requested by the first user to include a notification that the item has been purchased by a second
user. However, InfoWeek teaches a method of collaborative filtering wherein the community is a private
community (page 2, paragraph 4). InfoWeek teaches that GroupLens version 2.5 allows users to
explicitly identify a community they want to be associated with by submitting a specific group of people.
Furthermore, InfoWeek teaches that GroupLens "...generates a personalized home page for each user
showing resources likely to interest them. The page also shows a list of 'neighbors' with similar interests
and lets users see what their peers are viewing and how they rated the content." (page 2, paragraph 5).
Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was
made, to incorporate the teachings of InfoWeek into the method Bieganski. One of ordinary skill in the art
would have been motivated to do so in order to allow a user to control what group the recommendation
engine used to generate the personalized recommendation, as taught by InfoWeek. Furthermore, one of
ordinary skill in the art would have been motivated to incorporate the personalized home page of
InfoWeek into the method of Bieganski in order to provide a user with a graphically enriched web page.
Moreover, Information Week teaches a method of collaborative filtering for making recommendations
wherein the user submits a specific group of people (private / explicit community) for the
recommendations to be based on (page 2, paragraph 4). Therefore it would have been obvious to one of
ordinary skill in the art, at the time the invention was made, to have a user submit a specific group of
people from his or her address book, or from anywhere else, for the purpose of receiving a
recommendation in the method of Bieganski and Chislenko. One of ordinary skill in the art would have
been motivated to do so in order to base the user's recommendations on a specific group of people that

the user corresponded or interacted with regularly. Finally, the limitation of maintaining a personal address book data (i.e. private community) is inherent in the teachings of InfoWeek because InfoWeek teaches that recommendations are based on the collective preferences of the specific group of people submitted by the user. Therefore, the system must store and maintain this list of people in order to make these recommendations.

Referring to claims 48 and 63, Bieganski does not explicitly teach that the catalog page is an item detail page. However, Bieganski teaches providing a web-based interface and a list of personalized book recommendations within a web-based bookstore (column 16, line 62 – column 17, line 5). Furthermore, InfoWeek teaches a "...personalized home page for each user showing resources [item details] likely to interest them." (page 2, paragraph 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate an item detail page in the invention of Bieganski and InfoWeek. One of ordinary skill in the art would have been motivated to do so in order to display individual product details in the web-based bookstore of Bieganksi (column 16, lines 62-66). Moreover, the Examiner notes that this limitation is not functionally involved in the steps of the recited method. Therefore this limitation is deemed to be nonfunctional descriptive material. The steps of maintaining, monitoring, detecting, and supplementing would be performed the same regardless of what information the catalog page contained. The differences between the content of the Applicants' catalog page and the prior art are merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)* also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to place any information in the catalog page of Bieganski and InfoWeek because such information does not functionally relate to the steps of the claimed method and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Claims 46, 49, 54, and 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US Patent 6,321,221 B1) in view of Information Week "Just Add People", and further in view Chislenko et al (US Patent 6,041,311).

Referring to claims 46 and 55, the cited prior art (Bieganski and InfoWeek) does not teach that in response to detecting that the item has been purchased by the second user, providing an option to the first user to send a message to the second user. However, Chislenko also teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the first user is provided an option to send a message to a second user that shares a similar interest (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow one user to communicate with another user about a common interest, as taught by Chislenko.

Referring to claim 49 and 54, the cited prior art (Bieganski and InfoWeek) does not teach that the notification includes contact information of the second user. However, Chislenko teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the first user is provided an option to send a message to a second user that shares a similar interest (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow one user to communicate with another user about a common interest, as taught by Chislenko. Furthermore, the Examiner notes that this limitation is not functionally involved in the steps of the recited method. Therefore this limitation is deemed to be nonfunctional descriptive material. The steps of maintaining, monitoring, detecting and supplementing would be performed the same regardless of what information the notification contained. The differences between the content of the Applicants' notification and the prior art are merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)* also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include any

information in the notification of the cited prior art because such information does not functionally relate to

the steps of the claimed method and because the subjective interpretation of information does not

patentably distinguish the claimed invention.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US

Patent 6,321,221 B1) in view of Information Week "Just Add People", and further in view Chislenko

et al (US Patent 6,041,311) and Official Notice.

Referring to claim 47, the cited prior art does not teach providing an option to the first user to

send an instant message to the second user. However, Official Notice is taken that it is old and well

known in the art to provide instant messaging. Therefore it would have been obvious to one of ordinary

skill in the art, at the time the invention was made, to incorporate an instant messaging feature into the

cited prior art. One of ordinary skill in the art would have been motivated to do so in order to facilitate

communication between two users in real-time." Unquote

(11)   Response to Argument

Referring to claim 45, the Attorney has argued that neither Bieganski nor ·

InfoWeek discloses or suggests "maintaining community data indicative of user

memberships within specific explicit-membership communities that users explicitly join."

(see Appeal Brief dated September 10, 2004, pages 3 and 4). The Examiner

respectfully disagrees. As noted in the Office Action, Bieganski teaches maintaining

community (neighborhood) data indicative of user memberships within a specific

community (neighborhood) (Figure 4; column 1, lines 46-62; column 6, line 38-47, lines

66-67; column 7, lines 1-50). The Examiner has already stated in the Office Action that

Bieganski does not teach that the community is an explicit-membership community that

users explicitly join. The Bieganski reference does not discuss the source of the

community (i.e. neighborhood) of users. However, Bieganski recognizes that there is a

community and discusses the processing involved once a community is established.

The Examiner cited InfoWeek for the missing limitation. InfoWeek states "Version 2.5

lets users submit a specific group of people and generate a list of

recommendations..." (emphasis added page 2, paragraph 4). InfoWeek teaches that

the source of the community is a user-specified group of people. Moreover, the

Applicants' specification states that explicit membership communities are communities

that users join or add to the system (see specification page 3, lines 1-6). InfoWeek

teaches that users can add a group of people to the system. The Attorney also argues

that the submission of the group does not appear to result in the formation of a

"community" (see Appeal Brief dated September 10, 2004, page 4). The Examiner

respectfully disagrees. First, the Examiner would like to point out that the word

"community" is never defined in the Applicants' specification. The specification merely

provides examples of a "community" (i.e. implicit or explicit). One of those examples is

a user-defined community that is added to the system (see specification page 3, lines 1-

6). This is exactly what InfoWeek teaches by stating, "Version 2.5 *lets users submit a*

specific group of people and generate a list of recommendations..." (emphasis added

page 2, paragraph 4). Second, Bieganski teaches the formation of a community (i.e.

neighborhood) (column 6, line 66 – column 7, line 38), and there is no need for the

secondary reference to re-teach what has been already disclosed by the primary

reference. The Attorney appears to be attacking the references individually. "*In*

response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on combinations of references." See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Attorney has argued that the references fail to teach or suggest "supplementing a catalog page requested by the first user to include a notification that the item has been purchased by the second user, said catalog page being a page on which the item is displayed" (see Appeal Brief dated September 10, 2004, page 4). The Examiner respectfully disagrees. InfoWeek teaches "GroupLens generates a personalized home page for each user showing resources likely to interest them. The page also shows a list of 'neighbors' with similar interests and lets users see what their peers are viewing and how they rated the content." (page 2, paragraph 5). The Attorney's argument that a "home page" is not a "catalog page" is irrelevant because the Applicants' specification neither defines a "catalog page" nor does it differentiate a "catalog page" from a "home page". In fact, the "catalog page" shown on Figure 3 of the Applicant's specification is nothing more than a web page that shows a resource likely to interest the user. Referring to the "purchased by the second user" limitation, Bieganski teaches that his invention is based on the purchase history of second users (column 7, lines 6-9; column 16, line 62 – column 17, line 15).

The Attorney has argued that the combined references do not address privacy issues (see Appeal Brief dated September 10, 2004, page 4). The Examiner notes that claim 45 does not explicitly recite any limitation which incorporates privacy issues into the claim language. The specification does not define "explicit-membership

communities" to the extent that would guide one of ordinary skill in the art to conclude

that this term incorporates privacy related issues. In response to applicant's argument

that the references fail to show certain features of applicant's invention, it is noted that

the features upon which applicant relies (i.e., privacy issues) are not recited in the

rejected claim(s). "*Although the claims are interpreted in light of the specification,*

limitations from the specification are not read into the claims." See *In re Van Geuns*,

988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Finally, the Attorney has argued that the applied references do not suggest the

desirability of the claimed invention (see Appeal Brief dated September 10, 2004, page

5). The Examiner respectfully disagrees. Bieganski is directed to a recommendation

engine that makes personalized recommendations to an individual user based on the

purchase history of other users in that user's community or neighborhood (column 1,

lines 31-62). The purpose of the community or neighborhood is to base the

recommendation on a group of users that share similar interests with the individual user.

This type of recommendation technology is known in the art as collaborative filtering.

The Bieganski reference is primarily directed to the algorithm and processes used to

make a recommendation. The Bieganski reference does not address features related to

the user's interface when the user is interacting with the recommendation engine.

However, InfoWeek is also directed to collaborative filtering and is primarily about how a

user interacts with the recommendation engine. Therefore, Bieganski and InfoWeek are

analogous art and it is well within the level of one of ordinary skill in the art to

incorporate the graphical interface and other teachings of InfoWeek into the invention of

Bieganski. Moreover, one of ordinary skill in the art would recognize that the combination of Bieganski and InfoWeek would have a reasonable chance for success because incorporating the teachings of InfoWeek into the invention of Bieganski would not alter the technical characteristics of either invention in such a way as to render the combination inoperable.

Referring to claim 53, the Attorney has argued that neither Bieganski nor InfoWeek discloses or suggests the limitation "maintaining personal address book data for each of a plurality of the users." (see Appeal Brief dated September 10, 2004, pages 5 and 6). The Examiner argued that this limitation is not present in the cited art, however it would have been obvious to one of ordinary skill in the art of collaborative filtering. Both Bieganski and InfoWeek are directed at the field of collaborative filtering, and both references rely on a community or neighborhood of users to make a personalized recommendation. The purpose of the community or neighborhood is to base the recommendation on a group of users that share similar interests with the individual user. InfoWeek teaches that the community can be selected by the user by stating, "Version 2.5 *lets users submit a specific group of people* and generate a list of recommendations..." (emphasis added page 2, paragraph 4). InfoWeek does not disclose that this specific group of people comes from a personal address book. However, one of ordinary skill in the art would recognize that the recommendation engines of Bieganski and InfoWeek require a group of people in order to generate a personalized recommendation. Furthermore, one of ordinary skill in the art would

recognize that the user wants a recommendation from people with similar interests.

Therefore the use of a personal address book would be obvious to one of ordinary skill

in the art. The motivation for doing so would be to base the user's recommendations on

a specific group of people that the user corresponded or interacted with regularly. The

Attorney has also argued that the references do not teach the limitation "monitoring

online browsing of the electronic catalog..." (see Appeal Brief dated September 10,

2004, page 6). As noted in the Office Action, Bieganski teaches monitoring online

browsing. The personal address book is nothing more than a group of people that the

recommendation engine uses to generate a personalized recommendation. The

personal address book serves no other purpose in the claim.

The Attorney has argued that the references fail to teach or suggest

"supplementing a catalog page requested by the first user to include a notification that

the item has been purchased by the second user." (see Appeal Brief dated September

10, 2004, page 6). The Examiner respectfully disagrees. InfoWeek teaches

"GroupLens generates a personalized home page for each user showing resources

likely to interest them. The page also shows a list of 'neighbors' with similar interests

and lets users see what their peers are viewing and how they rated the content." (page

2, paragraph 5). The Attorney's argument that a "home page" is not a "catalog page" is

irrelevant because the Applicants' specification neither defines a "catalog page" nor

does it differentiate a "catalog page" from a "home page". In fact, the "catalog page"

shown on Figure 3 of the Applicant's specification is nothing more than a web page that

shows a resource likely to interest the user. Referring to the "purchased by the second

user" limitation, Bieganski teaches that his invention is based on the purchase history of

second users (column 7, lines 6-9; column 16, line 62 – column 17, line 15).

Finally, the Examiner agrees with the Attorney that the reference to the Chislenko

patent in the body of the rejection to claim 53 is a remnant of a prior Office Action, and

the Examiner is not currently relying on Chislenko in rejecting claim 53. Claim 53

stands rejected over Bieganski in view of InfoWeek. (see Appeal Brief dated

September 10, 2004, page 6).

Referring to claim 50, the Attorney has argued that InfoWeek does not teach the

formation of a community or a private community explicitly joined by the users (see

Appeal Brief dated September 10, 2004, pages 6 and 7). As noted above, Bieganski

teaches the formation of a community (i.e. neighborhood) (column 6, line 66 – column 7,

line 38), and there is no need for the secondary reference to re-teach what has been

already disclosed the primary reference. The Attorney appears to be attacking the

references individually. *"In response to applicant's arguments against the references*

individually, one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references." See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). Furthermore, the word "community" is never defined in the

Applicants' specification. The specification merely provides examples of a "community"

(i.e. implicit or explicit). One of those examples is a user-defined community that is

added to the system (see specification page 3, lines 1-6). This is exactly what

InfoWeek teaches by stating, "Version 2.5 *lets users submit a specific group of*

people and generate a list of recommendations..." (emphasis added page 2, paragraph

4). Finally, InfoWeek teaches a private community because the user-specified group is

not exposed to the public. InfoWeek teaches that NetPerceptions provides enhanced

features for small groups that are specified by a user (page 2, paragraph 4). Therefore

one of ordinary skill in the art would recognize that these small groups are private

because they are specified by a user and they are not exposed to the public.

        Referring to claims 46, 47, and 55, the Attorney has argued that the prior art

does not teach the limitation "in response to detecting that the item has been purchased

by the second user, providing an option to the first user to send a message to the   .

second user" (see Appeal Brief dated September 10, 2004, pages 7 and 8). The

Examiner respectfully disagrees. The Examiner rejected claims 46 and 55 using the

combination of Bieganski, InfoWeek and Chislenko. All three references are directed to

the field of collaborative filtering. As noted in the Office Action, the combination of

Bieganski and InfoWeek does not teach that in response to detecting that the item has

been purchased by the second user, providing an option to the first user to send a

message to the second user. The Examiner relied on the Chislenko reference to meet

this missing limitation. Chislenko teaches a method and system for recommendation

using collaborative filtering. Specifically, Chislenko teaches a messaging function and

chat rooms that allows users to engage in conversation with other users that share an

interest in a particular item (column 21, lines 11-26). The Attorney has not provided any

arguments why this teaching of Chislenko fails to meet the limitations of claims 46 and 55. Bieganski already teaches that his invention is based on the purchase history of second users (column 7, lines 6-9; column 16, line 62 – column 17, line 15). Bieganski, InfoWeek, Chislenko are analogous art because all three are directed to the field of collaborative filtering and it is well within the level of one of ordinary skill in the art to incorporate the messaging functions and chat rooms of Chislenko into the combination of Bieganski and InfoWeek. Moreover, one of ordinary skill in the art would recognize that the combination of Bieganski, InfoWeek, and Chislenko would have a reasonable chance for success because incorporating the teachings of Chislenko into the invention of Bieganski and InfoWeek would not alter the technical characteristics of any of the references in such a way as to render the combination inoperable. Referring to the "catalog page" limitation, the Examiner has already addressed this limitation in claim 45. Claim 47 was rejected over Bieganski, InfoWeek, Chislenko, and Official Notice. The Attorney of Record did not seasonably challenge the Official Notice and the Examiner informed the Attorney that this claim is now considered admitted prior art (see previous Office Actions). *"Applicant must seasonably challenge well known statements and statements based on personal knowledge when they are made. In re Selmi, 156 F.2d 96, 70 USPQ 197 (CCPA 1946). If Applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art." In re Chevenard, 139 F.2d71, 60 USPQ 239 (CCPA 1943). Also see MPEP 2144.03*

Referring to claims 48 and 63, the Attorney has argued that neither Bieganski nor

InfoWeek discloses or suggests the limitation "wherein the catalog page is an item detail

page." (see Appeal Brief dated September 10, 2004, pages 8 and 9). The Examiner

respectfully disagrees. InfoWeek teaches "GroupLens generates a personalized home

page for each user showing resources likely to interest them. The page also shows a

list of 'neighbors' with similar interests and lets users see what their peers are viewing

and how they rated the content." (page 2, paragraph 5). The Attorney's argument that a

"home page" is not an "item detail page" is irrelevant because the Applicants'

specification neither defines an "item detail page" nor does it differentiate an "item detail

page" from a "home page". In fact, the "item detail page" shown on Figure 3 of the

Applicant's specification is nothing more than a web page that shows a resource likely

to interest the user. Referring to the "purchased by the second user" limitation,

Bieganski teaches that his invention is based on the purchase history of second users

(column 7, lines 6-9; column 16, line 62 – column 17, line 15). The Attorney has also

argued that the applied references do not suggest the desirability of the claimed

invention (see Appeal Brief dated September 10, 2004, page 9). The Examiner

respectfully disagrees. Bieganski is directed to a recommendation engine that makes

recommendations to a user based on the purchase history of other users in that user's

community or neighborhood (column 1, lines 31-62). This type of recommendation

technology is known as collaborative filtering. The Bieganski reference is primarily

directed to the algorithm and processes used to make a recommendation. The

Bieganski reference does not address features related to the user's interface when the

user is interacting with the recommendation engine. However, InfoWeek is also directed to collaborative filtering and is primarily about how a user interacts with the recommendation engine. Therefore, Bieganski and InfoWeek are analogous art and it is well within the level of one of ordinary skill in the art to incorporate the graphical interface and other teachings of InfoWeek into the invention of Bieganski. Moreover, one of ordinary skill in the art would recognize that the combination of Bieganski and InfoWeek would have a reasonable chance for success because incorporating the teachings of InfoWeek into the invention of Bieganski would not alter the technical characteristics of either invention in such a way as to render the combination inoperable.

For the above reasons, it is believed that the rejections should be sustained.

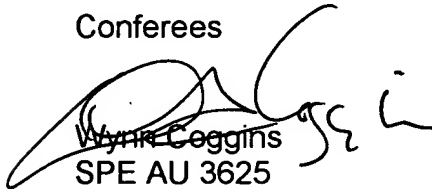Respectfully submitted,

Naeem Haq
Patent Examiner
Art Unit 3625

NH
December 9, 2004

Conferees

Wynn Coggins
SPE AU 3625

John Wiess   12-10-04
SPE AU 3629

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
NOLOGY CENTER 3600

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614